REMARKS/ARGUMENTS

Reconsideration and continued examination of the above-identified application are respectfully requested.

In the present amendment, claims 1 and 44 have been amended. Also, all non-elected claims have been canceled. The applicants reserve the right to pursue this subject matter in one or more divisional applications. In claim 1, the non-elected SEQ ID NOs. have been deleted. In claim 44, the term "pharmaceutical" has been deleted. Support for the amendments can be found at least in pages 24, and 32-34 (Example 4) of the specification, and the claims as originally filed. The specification has been amended to provide a separate SEQ ID NO. for "DYLRSV". Accordingly, no questions of new matter should arise and entry of this amendment is respectfully requested.

Statement Regarding Amendments to Sequence Listing

To address the Examiner's objection, SEQ ID NO: 46 has been added to the Sequence Listing for "DYLRSV." A substitute paper copy of the Sequence Listing, incorporating SEQ ID NO: 46 ("DYLRSV") is provided herewith. A substitute copy of the computer readable form of the Sequence Listing is also provided herewith. The substitute copy of the computer readable form of the Sequence Listing is the same as the substitute paper copy of the Sequence Listing. Also enclosed is a Statement under 37 C.F.R. § 1.821. Accordingly, the applicants have fully responded to the Examiner's objection.

Accordingly, this objection should be withdrawn.

Interview Summary

Applicant and Applicant's representative appreciate the courtesies extended to Applicant's

representative during the telephone interview held on February 26, 2008. During the interview, Applicant's representative proposed deleting the term "pharmaceutical" from claim 44. Applicant's representative pointed out the present application does also disclose diagnostic use of the peptide. The Examiner agreed that diagnostic use for the claimed peptides was disclosed by the present application. The Examiner indicated that claim 44 would be allowable upon amending claim 44 as suggested by Applicant's representative.

Objection to the Specification

At page 2 of the Office Action, the Examiner requires Applicants to amend the specification to list the appropriate SEQ ID NOs. for sequences disclosed in the specification. In particular, the Examiner states that the sequence DYLRSV that appears on pages 13 and 36 should either be deleted or should be accompanied with separate SEQ ID NOs. This rejection is respectfully traversed.

By way of this amendment, the specification has been amended to provide a separate SEQ ID NO. for "DYLRSV". Accordingly, this objection should be withdrawn.

Rejection of Claim 44 under 35 U.S.C. §112, first paragraph -- Written Description Requirement

At the bottom of page 2 of the Office Action, the Examiner states that claim 44 is rejected under 35 U.S.C. §112, first paragraph, as failing to comply with the written description requirement. The Examiner asserts that the claim contains subject matter that is not described in the specification in a way as to reasonably convey to one skilled in the relevant art that the inventors, at the time the application was filed, had possession of the claimed invention. The Examiner asserts that because the claim is directed to a "pharmaceutical" composition, the specification should show that the

compound is effective for therapeutic treatment. The Examiner also states that the specification does not provide adequate written description of the invention because the specification does not disclose examples of an *in vivo* method of treatment with the peptide recited in the claim and does not disclose that the peptide produces a therapeutic effect. The Examiner again refers to the same publications cited in the previous Office Action. This rejection is respectfully traversed.

While the applicants believe the application does provide the necessary enablement and written description, the term "pharmaceutical" has been deleted from claim 44. Thus, claim 44, as presently amended is directed to a composition comprising an effective amount of at least one peptide selected from a peptide of claim 1. The present application and the Sequence Listing adequately describe the peptides recited in claim 44 (SEQ ID NOs 1-3). Furthermore, as noted by the Examiner on page 7 of the Office Action, peptides of the present invention can be used as a diagnostic marker. The present application discloses that peptides of the present invention can be used as diagnostic markers in various reaction systems, such as in antigen-antibody reaction systems, enzyme reaction systems, and PCR reaction systems (page 24, line 15-page 25, line 4). Accordingly, this rejection is rendered moot.

For these reasons, this rejection should be withdrawn.

Rejection of Claim 44 under 35 U.S.C. §112, first paragraph -- Written Description Requirement

At pages 5-7 of the Office Action, the Examiner states that claim 44 is rejected under 35 U.S.C. §112, first paragraph, as containing subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. The Examiner asserts that because the claim is directed to a "pharmaceutical" composition, the specification should show how to use the

composition for a therapeutic treatment. The Examiner states that the specification does not provide an adequate written description of the invention because the specification does not disclose examples of an *in vivo* method of treatment with the peptide recited in the claim and does not disclose that the peptide produces a therapeutic effect. The Examiner again refers to the same publications cited in the previous Office Action. This rejection is respectfully traversed.

While the applicants believe the application does provide the necessary enablement and written description, the term "pharmaceutical" has been deleted from claim 44. Thus, claim 44, as presently amended is directed to a composition comprising an effective amount of at least one peptide selected from a peptide of claim 1. The present application and the Sequence Listing adequately describe the peptides recited in claim 44 (SEQ ID NOs 1-3). Furthermore, as noted by the Examiner on page 7 of the Office Action, peptides of the present invention can be used as a diagnostic marker. The present application discloses that peptides of the present invention can be used as diagnostic markers in various reaction systems, such as in antigen-antibody reaction systems, enzyme reaction systems, and PCR reaction systems (page 24, line 15-page 25, line 4). Accordingly, this rejection is rendered moot.

For these reasons, this rejection should be withdrawn.

Objection to claims 1 and 3

At page 7 of the Office Action, the Examiner objects to claims 1 and 3 because certain non-elected groups are recited in the claims. This rejection is respectfully traversed.

The non-elected groups have been deleted from the claims, rendering this rejection is rendered moot.

For this reason, this rejection should be withdrawn.

CONCLUSION

In view of the foregoing remarks, the applicant respectfully requests the reconsideration of this application and the timely allowance of the pending claims.

If there are any fees due in connection with the filing of this response, please charge the fees to Deposit Account No. 50-0925. If a fee is required for an extension of time under 37 C.F.R. § 1.136 not accounted for above, such extension is requested and should also be charged to said Deposit Account.

Respectfully submitted,

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